

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MATTHEW LABREC,

Plaintiff,
v.

ORDER

17-cv-485-jdp

DUSTIN MEEKER, HENRY HANSEN,
JONATHAN KORDUCKI, KEVIN PHILLIPS,
MICHAEL JULSON and JESSE BEAVER¹,

Defendants.

In an order entered on August 23, 2017, plaintiff Matthew LaBrec was granted leave to proceed *in forma pauperis* against defendants Dustin Meeker, Henry Hansen, Jonathan Korducki, Kevin Phillips, Michael Julson and Jesse Beaver. Pursuant to an informal service agreement between the Wisconsin Department of Justice and this court, the Attorney General's office has filed an Acceptance of Service of plaintiff's complaint on behalf of all defendants, except Dustin Meeker.

The Attorney General's office has not accepted service on behalf of Dustin Meeker because he is deceased. Federal Rule of Civil Procedure 25(a)(1) sets forth the procedure that must be followed when a party to a lawsuit dies:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

¹ I have amended the caption to replace C/O Hansen with the name Henry Hansen; C/O II Korducki with the name Jonathan Korducki; Sgt. Phillips with the name Kevin Phillips; and Lt. Julson with the name Michael Julson as identified in the Acceptance of Service.

If no motion is filed by **January 2, 2018**, defendant Meeker will be dismissed.

Additionally, pursuant to an informal service agreement between the Wisconsin Department of Justice and this court, the Department has agreed to accept electronic service of documents on behalf of the defendants it represents. This means that for the remainder of this lawsuit, plaintiff does not have to send a paper copy of each document he files with the court to the Department or defendants Henry Hansen, Jonathan Korducki, Kevin Phillips, Michael Julson and Jesse Beaver. The Department will access the document through the court's electronic filing system. Discovery requests or responses are an exception to the electronic service rule. Usually, those documents should be sent directly to counsel for the opposing party and do not have to be sent to the court. Discovery procedures will be explained more fully at the preliminary pretrial conference.

ORDER

IT IS ORDERED that if no party moves to substitute defendant Dustin Meeker's estate as a defendant by **January 2, 2018**, defendant Meeker will be dismissed from the case.

Entered this 3rd day of October, 2017.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge